

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

AMERICAN ACOUSTIC)
DEVELOPMENT, LLC, and)
PHIL JONES,)
)
Plaintiffs,)
)
vs.) Case No. 4:05CV1480 HEA
)
SRAJAN EBAEN,)
)
Defendant.)

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs' Motion to Remand, [# 6], which was filed on October 13, 2005. To date, Defendant has not filed a written response to the motion.

In September, 2005, Defendant removed this matter from the Circuit Court of the County of St. Louis based on the Court's diversity of citizenship jurisdiction. 28 U.S.C. § 1332. Defendant's removal was premised on the diversity of the parties and Plaintiffs' allegation in their State Petition that damages were in excess of \$25,000.00. Plaintiff now seeks remand because they contend their damages do not exceed \$75,000.00, which is the jurisdictional amount in controversy requirement of Section 1332. Plaintiffs have not indicated the exact amount they seek to recover from Defendant, but have indicated in their motion to remand that they intend to enter into

a binding stipulation that the amount in controversy does not and will not exceed this Court's jurisdictional amount in controversy. As such, if Plaintiffs file the stipulation as represented, binding them in this and any other court, that they will not seek or accept an amount greater than \$75,000.00, exclusive of interest and costs, this matter shall be remanded to the Circuit Court of the County of St. Louis. Until such time as such a stipulation is filed, this Court has diversity jurisdiction over this matter.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Remand, [#6], is granted, conditioned upon the filing of, within ten (10) days of the date of this Order, a stipulation that the amount in controversy shall not exceed this Court's jurisdictional amount in controversy.

Dated this 5th day of December, 2005



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE